
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CURTIS LEE SHEPPARD,

Plaintiff,

versus

BRAD LIVINGSTON, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:12-CV-169

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Curtis Lee Sheppard, an inmate confined at the Michael Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Plaintiff has filed two motions seeking a default judgment. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motions. The magistrate judge recommends the motions be denied.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion plaintiff's objections are without merit. The defendants were not in default at the time plaintiff filed his motions.

ORDER

Accordingly, the objections filed by plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Plaintiff's motions seeking a default judgment are **DENIED**.

SIGNED at Beaumont, Texas, this 9th day of January, 2014.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE